#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

ATAIN SPECIALTY INSURANCE COMPANY,	)
Plaintiff,	)
	)
V.	)
50	) C.A. NO.: 19-11634
DAVESTER LLC d/b/a EMBARGO, NEWMAN	)
GALATI, TOWN TAXI OF CAPE COD, INC.,	)
HUDSON AGUIAR, and HOSPITALITY MUTUAL	)
INSURANCE COMPANY,	)
Defendants.	)

# HOSPITALITY MUTUAL INSURANCE COMPANY'S MOTION TO STAY THIS ACTION (ORAL ARGUMENT REQUESTED)

The defendant Hospitality Mutual Insurance Company ("Hospitality") now moves to stay this declaratory judgment action until the conclusion of the parallel state court action captioned Newman Galati v. Hudson Aguiar, Davester, LLC d/b/a Embargo, and Town Taxi of Cape Cod, Inc., Barnstable County Superior Court Civil Action No. 1972-CV-00283 that was filed on June 6, 2019 (the "Parallel State Court Action"). The Brillhart-Wilton factors weigh heavily in favor of staying the plaintiff Atain Specialty Insurance Company's ("Atain") action for declaratory judgment pending resolution of the Parallel State Court Action. See Wilton v. Seven Falls Co., 515 U.S. 277 (1995); Brillhart v. Excess Ins. Co. of Am., 316 U.S. 491 (1942). Therefore, the Court should exercise its discretion and stay this action until the Parallel State Court Action is concluded.

Hospitality respectfully refers the Court to the memorandum in support of its motion to stay this action, which sets forth in detail the reasons why this action should be stayed.

# REQUEST FOR ORAL ARGUMENT

In accordance with Local Rule 7.1(d), Hospitality respectfully requests oral argument on its motion to stay this action as it may assist the Court.

#### **LOCAL RULE 7.1 CERTIFICATION**

Counsel for Hospitality certifies that he has conferred with counsel for Atain and attempted in good faith to resolve the issues raised by this motion without success.

# HOSPITALITY MUTUAL INSURANCE COMPANY,

By its attorney,

## /s/ John F. Brosnan

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## **CERTIFICATE OF SERVICE**

I, John F. Brosnan, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on September 25, 2019.

/s/ John F. Brosnan

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